

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
PUBLIC HEARING  
JANUARY 22, 2002  
6:15 P.M.  
(CDBG Program Change)**

**Pursuant to notice duly advertised and posted, the Brunswick County Board of Commissioners conducted a Public Hearing on the above date at 6:15 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner Donald E. Warren, Chairman  
Commissioner May W. Moore, Vice Chairman  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Andrea Merklinger, Administrative Assistant  
Huey Marshall, County Attorney  
Mark Seagle, Assistant County Attorney  
Lithia E. Brooks, Director of Fiscal Operations

ABSENT: Commissioner David Sandifer  
Debby Gore, Clerk to the Board  
Margie Stephenson, Deputy Clerk

**I. CALL TO ORDER**

Chairman Warren called the Public Hearing to order at 6:15 p.m., and announced that the purpose of the Public Hearing was to receive public comments concerning the Community Development Block Grant Program Change.

Vonnie Fullwood, Public Housing Director, explained that one house included in the program required more extensive work than anticipated therefore, the client had to be placed in another program requiring a Public Hearing.

**II. PUBLIC COMMENTS**

Chairman Warren asked if any members of the audience wished to address the Board concerning the proposed amendment.

There were no comments from the audience.

Ms. Jessie Miars, Project Manager for Holland Consulting, addressed the Board and explained that any change that affects the budget by more than 10% of the Project Budget requires a Program Amendment. The proposed transfer will be \$40,000 from the rehabilitation

line item to the relocation line item. The new proposed budget will be \$177,000 in the relocation line item and \$120,500 in the rehabilitation line item. Clearance budget will remain the same at \$24,200 and administrative line item will remain the same at \$28,300. The total grant amount is \$389,000 with a \$39,000 local option project that will be used for septic tanks.

### **III. ADJOURNMENT**

Commissioner Rabon moved to adjourn the Public Hearing at 6:24 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
JANUARY 22, 2002  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Public Assembly Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner Donald E. Warren, Chairman  
Commissioner May Moore, Vice-Chairman  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Andrea Merklinger, Administrative Assistant  
Lithia E. Brooks, Fiscal Operations Director

ABSENT: Commissioner David Sandifer  
Debby Gore, Clerk to the Board  
Margie Stephenson, Deputy Clerk

**I. CALL TO ORDER**

Chairman Warren called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Warren asked if there were any adjustments to the agenda. The following adjustments were made:

1. Huey Marshall, County Attorney, requested to add under Item VIII, a Closed Session for pending legal matters.
2. Chairman Warren requested to add under Board Appointments, an appointment to Carolina Shores ETJ Board of Adjustments.

Commissioner Sue moved to approve the agenda with the adjustments included. The vote of approval was unanimous.

#### **IV. PUBLIC COMMENTS**

Chairman Warren asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. The following citizens addressed the Board:

1. Teddy Altreuter of the Brunswick Environmental Action Team supports the efforts in changing the governance of the South Brunswick Water and Sewer Authority (SBWSA).
2. Joe Carter opposes South Brunswick water and Sewer Authority. Mr. Carter thinks the whole County should be under the direction of SBWSA or the whole organization should be “done away with”.
3. Jan Harris of Sunset Beach spoke regarding storm water pollution of our wetlands stating SBWSA has failed to implement any effective storm water management ordinances and has not assisted sponsoring towns in developing environmentally responsible solutions despite the fact that they have been collecting storm water management fees from homeowners in the service area for several years. Property owners have no recourse or power except to refuse payment of these fees and are now being taken to magistrate courts for non-payment. Ms. Harris requested removal of Brunswick County as a sponsor of SBWSA so it can be reorganized as a Sanitary District.
4. Malcolm King of Ocean Isle stated he has received bills for storm water fees since 1992. Mr. King states he has not paid any of these bills because he does not live inside the city limits. Mr. King urged the County to “take over” SBWSA.
5. Gere Dale of Carolina Shores stated a lot of County citizens are looking for answers from the Board of Commissioners. Mr. Dale asked the Board to inform citizens of their intentions toward SBWSA.
6. Carolyn Harrison, who moved back to Brunswick County 14 years ago, discussed her humiliation with SBWSA. Ms. Harrison thinks the Commissioners should take responsibility and build a County sewer system to help low income citizens in the 201 planning area.
7. Richard Wilson, Village of Calabash Property Owners Association President, cannot understand how SBWSA has legally operated for so many years. Mr. Wilson stated citizens do not mind paying for something if they receive something in return and commended the Board on the three recent appointments to the SBWSA Board.
8. Doug Williams of Tall Pines Plantation thinks that SBWSA tactics are unconstitutional.
9. James Hardee lives between Thomasboro and Grissettown, and agrees that a Regional Sewer System is needed and thinks minorities should be included on the SBWSA Board and that citizens should not be taxed on things they are not receiving service for.
10. Dale Hewett of the Green Bay Road area thinks there was a loophole in State Laws that allowed SBWSA to operate in Brunswick County and appreciates any help that the Board of Commissioners can offer.

11. Jeanette Lynch of Tall Pines does not want to be forced to hook up to a sewer system.
12. Curly Godwin of Seaside states that he has a petition signed by property owners on Dale Drive accepting assessments for water lines that was delivered in 1990 to the Utilities Department. Mr. Godwin states a water line is 220 feet away from his house and voiced discrimination. Chairman Warren asked the Utilities Director to discuss the possibility of water hook-up with Mr. Godwin.
13. Irene Clifton from Grissettown, is on a limited income and has a deep well on her property. Ms. Clifton opposes paying availability fees for water not received.

Chairman Warren asked the County Attorney to explain the role of Commissioners with the South Brunswick Water and Sewer Authority (SBWSA), how SBWSA was created, how it could be disbanded and what could happen if Brunswick County “pulled out” as a sponsor.

Mr. Marshall explained that he was not an employee of the County during the initiation of SBWSA so he has to rely on records and files that were in his office when he became County Attorney.

The County Attorney made the following statements: The South Brunswick Water and Sewer Authority (SBWSA) was first applied for from the General Assembly in 1991 and at that time included only the Town of Sunset Beach and the Town of Calabash. They were trying to get Water/Sewer Authority for the implementation of sewer in the area, and the Towns were supplying water with the County supplying water in the areas between the Towns.

The County’s participation at this point is no longer at election without debt. SBWSA does have substantial debt and the statutes forbid withdrawal from the membership while debt persists. The County Attorney cannot recommend withdrawal due to liability. SBWSA could continue to function if the County did not actively participate. The question of the debts of SBWSA is too complex an issue to speculate ultimate liability, either for the County or the Towns of Sunset Beach and Calabash. County Commissioners appoint three members to a nine member Board, not a majority. As long as the debt is outstanding, it cannot be recommended to the Commissioners to withdraw from the Authority. Even legislative remedy may not be effective.

Taxpayer groups and other parties brought the legal challenges that SBWSA has faced. The expense of those lawsuits has been borne by the Authority and must be recovered by passing those costs along to the people within the 201-service area. The Authority’s legal results have been mixed, but they are continuing the development of the 201-service area and probably will continue to do so until further legal challenges halt that process. The County, in Counsel’s opinion, needs to be part of that litigation to address several outstanding developmental issues peculiar to coastal areas. The effect of runoff, both waste and storm water, may be determined in this lawsuit and the County deserves to be heard.

## **V. APPROVAL OF CONSENT AGENDA**

Commissioner Sue moved to approve the Consent Agenda with the adjustments included. The vote of approval was unanimous. The following items were approved:

### A. Minutes

# January 7, 2002 Public Hearing Minutes

## January 7, 2002 Regular Meeting Minutes

January 8, 2002 Board of Commissioners/Board of Education Meeting

## June 15, 2001 Budget Workshop Minutes

## B. Tax Matters

1. Approval of Tax Releases for January 2002
2. Approval of Fire Fee Releases for January 2002
3. Approval of September 2001 Motor Vehicle Valuation & Levy
4. Approve Revenue Collector's Report for December 2001
- 5.

### C. Finance – FY 2000-2001 Budget Amendments

### 1) FEMA Buyout Program - Phase I

\$92,308 Increase State Revenue

This amendment represents an increase in the Phase I portion of the FEMA Buyout Program regarding Hurricane Floyd Property Acquisition and Relocation Grant. The State increased this grant for needs extending past June 30, 2001. County funds are not involved.

## 2) Cooperative Extension

\$3,000 Increase Brunswick Family Assistance Revenue

This amendment represents revenue already received from the Brunswick County Family Assistance Agency to the Cooperative Extension office. These funds will be used to construct a Diversity Garden located on the County Complex. County funds are not involved.

### 3) Health Department - Healthy Carolinian Program

\$10,000 Increase State Revenue

This amendment represents a State budget allocation for the above referenced program. These revenues will be used for a community-based coalition to address health issues. County funds are not involved.

#### 4) Social Services - Child Adoption Fund

\$74,205 Increase Fund Balance Appropriated

The Department of Social Services received this revenue during FY 1999-2000 and 2000-2001. We have just recently learned that these revenues are restricted to the child adoption needs. Therefore, this amendment will appropriate these funds into this program. The reason the funding source is Fund Balance is due to these funds being received in prior fiscal years (i.e.: closed into fund balance at the end of each fiscal year).

### D. Roads

1. SR-2 Resolution for Chapel Trail, Kendall Chapel Rd, Vaught Way SE, and Walker Road SE.

#### E. Solid Waste – Tipping Fees

1. Request to be exempt from tipping fees at the County Landfill for disposal of furniture or playground equipment from The Crary School in Shallotte.

**F. Resolution**

1. Approve adoption of a Resolution in support of the Cape Fear River Assembly Funding from the North Carolina Office of the Attorney General.

**RESOLUTION OF SUPPORT FOR CAPE FEAR RIVER BASIN**

**WATER RESOURCE MANAGEMENT PROPOSAL**

**WHEREAS**, water is a resource of critical importance to the environmental and economic health of this Region and the State of North Carolina; and

**WHEREAS**, an agreement was executed between the North Carolina Office of the Attorney General and Smithfield Foods on September 29, 2000, to provide funds for mitigation of water quality impacts resulting from concentrated animal operations; and

**WHEREAS**, the Cape Fear River basin contains twenty-two percent of the land area and twenty-seven percent of the population of the State of North Carolina; and

**WHEREAS**, the Cape Fear River basin has within it the majority of the concentrated animal operations for the entire state; and

**WHEREAS**, the Cape Fear River Assembly is a basin wide, diverse-interests river stewardship organization; and

**WHEREAS**, the Cape Fear River Assembly has conducted a variety of comprehensive, coordinated water resource management projects; and

**WHEREAS**, we are dependent on effective management and continued availability of water resources in our state and in the Cape Fear River basin.

**NOW, THEREFORE**, be it resolved that the Brunswick County Board of Commissioners hereby requests that the North Carolina Attorney General's Office favorably consider the proposal submitted by the Cape Fear River Assembly to conduct needed water resource management projects within the Cape Fear River basin and that at least \$1.0 Million of the \$2.0 Million per year, if not more, be provided for their use.

This the 22<sup>nd</sup> day of January 2002.

Brunswick County Board of Commissioners  
s/Donald E. Warren, Chairman

Attest:  
s/Deborah S. (Debby) Gore  
Clerk to the Board

## **VI. ADMINISTRATIVE REPORT**

### **1. Jail Feasibility Study – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving the proposal of FreemanWhite for the County Jail Expansion Feasibility Study and the associated FY 2002-2003 Budget Amendment.

The County Manager stated that the Jail Committee interviewed FreemanWhite and following interviews requested an amendment to the initial proposal to add to the scope of services, a study of the jail population as well as the court system and the court process that leads to jail confinement. The proposed fee was \$19,610 and included 7 tasks. The additional task would add another \$8,640 for a total fee of \$28,250.

Vice Chairman Moore moved to approve the proposal from FreemanWhite for the Jail Expansion Feasibility Study with \$3,250 to come from Emergency Contingency. The vote of approval was unanimous.

### **2. Goals and Objectives Second Quarter Report – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider receiving the Goals and Objectives Second Quarter Report.

The County Manager gave an update of the Goals and Objectives for the Second Quarter.

### **3 Health – Reclassifications – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving the reclassification of seven positions within the Health Department to meet State Personnel Guidelines.

Vice-Chairman Moore moved to approve the reclassification of the Health Department positions to meet State Guidelines. The vote of approval was unanimous.

### **4. Public Housing – FY 1999 CDBG Program – (Marty Lawing)**

Staff recommends that the Board of Commissioners consider approving the submittal of the Program Amendment to the Division of Community Assistance.

Commissioner Sue moved to approve the Program Amendment to the Division of Community Assistance. The vote of approval was unanimous.

### **5. Parks & Recreation – Walking Trail – (George Page)**

Staff recommends that the Board of Commissioners authorizing the submittal of a State Recreation and Trails Grant Application for the construction of a walking trail at the Government Complex.



Mr. Greg Walker, who is assisting with two State grants for the County gave detailed handouts to the Board and explained that the grant for the Walking Trail is an 80/20 match with a maximum of \$50,000 grant money. There was discussion regarding concrete vs. asphalt.

Commissioner Rabon moved to authorize the Brunswick County Government Center Walking Trail and change from concrete to asphalt. The vote of approval was unanimous.

**6. Parks & Recreation – Town Creek Boat Ramp Project – (*George Page*)**

Staff recommends that the Board of Commissioners consider authorizing the submittal of a Grant Application to the NC Parks and Recreation Trust Fund for the Town Creek Boat Ramp Project.

Mr. Greg Walker discussed the project, 50/50 grant and scoring plan and negotiating with the DOT regarding the deceleration lane. Mr. Walker also stated that the Cape Fear RC&D has grant funds amounting to \$6,100 that they will contribute to the two projects.

Commissioner Rabon moved to authorize the submittal of a Grant Application to the NC Parks and Recreation Trust Fund for the Town Creek Boat Ramp Project. The vote of approval was unanimous.

**7. Parks & Recreation – Five-Year Master Plan – (*George Page*)**

Staff recommends that the Board of Commissioners consider adopting the Proposed Brunswick County Five-Year Parks and Recreation Master Plan.

Dr. Jim Herstein of UNC-Wilmington gave a background on the Master Plan and outlined the needed areas.

Vice-Chairman Moore moved to adopt the Proposed Brunswick County Five-Year Parks and Recreation Master Plan. The vote of approval was unanimous.

**8. Emergency Management – Incident Command System Plan – (*Randy Thompson*)**

Staff recommends that the Board of Commissioners consider approving the Proposed Brunswick County Incident Command System Plan.

Randy Thompson, Emergency Management Director gave an overview of the Incident Command System Plan and stated an evaluation would be done every year and revised if necessary.

Commissioner Sue moved to approve the proposed Brunswick County Incident Command System Plan. The vote of approval was unanimous.

**9. Finance – FY 2001 Comprehensive Annual Financial Report – (*Lithia Brooks*)**

Staff recommends that the Board of Commissioners consider receiving the FY 2001

Comprehensive Annual Financial Report as information.

Lithia Brooks, Finance Director, gave a report on the Comprehensive Annual Financial Report.

Ms. Donna Steele, Senior Manager of Dixon Odom thanked the Board for allowing her firm to be the independent auditors for the County and gave congratulations for receiving a Certificate of Achievement for Excellence in Financial Reporting.

**10. Finance – December 2001 Quarterly Financial Report – (*Lithia Brooks*)**

Staff recommends that the Board of Commissioners receive the December 2001 Quarterly Financial Report.

Ms. Brooks gave the Quarterly Financial Report and answered questions from the Board.

## **VII. BOARD APPOINTMENTS**

**1. Criminal Justice Partnership Program (6 appointments)**

The CJPP Advisory Board voted to reappoint the following members to serve another term on the Criminal Justice Partnership Program: Amy Bland, Phillip Hayes, Tom Hunter, Melody Lugo, Holly Sellers and Cathy Swaim.

Commissioner Sue moved to reappointment Bland, Hayes, Hunter, Lugo, Sellers and Swaim as recommended by the CJPP Advisory Board. The vote of approval was unanimous. Commissioner Warren moved to approve the reappointments of Bland, Hayes, Hunter, Lugo, Sellers and Swaim. The vote of approval was unanimous.

**2. Carolina Shores Board of Adjustment (added under Adjustments to the Agenda)**

Chairman Warren nominated John Trarentino as the Carolina Shores Board of Adjustment ETJ representative. The vote of approval was unanimous. Commissioner Sue moved to close the nominations and approve the appointment of John Trarentino. The vote of approval was unanimous.

## **VIII. COUNTY ATTORNEY'S REPORT**

**1. Closed Session (added under Adjustments to the Agenda)**

**8:30 p.m.** Commissioner Rabon moved to enter Closed Session pursuant to G. S. 143-318.11 (b) (3) pending legal matters. The vote of approval was unanimous.

**Recess** - Chairman Warren called a 10-minute recess.

**9:47 p.m. Reconvened** - Chairman Warren called the Open Session back to order and announced that no action was taken in Closed Session.

### **IX. OTHER BUSINESS/INFORMAL DISCUSSION**

Commissioner Sue moved that the County Staff assist the Town of Varnamtown in obtaining easements in their jurisdiction as long as there are no dead end lines. The vote of approval was unanimous.

### **X. ADJOURNMENT**

Commissioner Sue moved to adjourn the Regular Meeting at 9:48 p.m. The vote of approval was unanimous.

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Donald E. Warren, Chairman

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Deborah (Debby) Gore, Clerk to the Board